

Court of Appeals, State of Michigan

ORDER

Latasha N Blount v Auto-Owners Insurance Company

Docket No. 295946

LC No. 08-090142-CZ

Henry William Saad
Presiding Judge

Kathleen Jansen

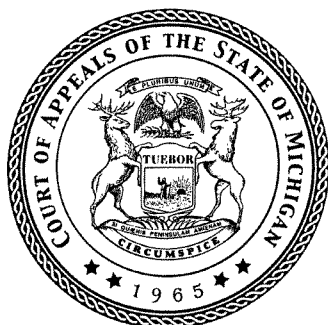
Pat M. Donofrio
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Genesee Circuit Court's December 18, 2009 order denying defendant-appellant Auto-Owners Insurance Company's motion for summary disposition under MCR 2.116(C)(10) is REVERSED. Defendant-appellant Auto-Owners Insurance Company is entitled to summary disposition of plaintiff's claim for breach of contract. The evidence before the circuit court showed that there was no genuine issue of material fact that appellant did not breach any contractual duty to pay plaintiff under its policy. Coverage provided by an insurance policy is governed by the policy language. *Twichel v MIC General Insurance Corp*, 469 Mich 524, 533-534; 676 NW2d 616 (2004). The undisputed facts showed that Auto-Owners issued checks totaling the policy limits in payment for plaintiff's loss and that those checks were delivered to plaintiff. Nothing in the policy language suggests that Auto-Owners was responsible for the ultimate disposition of funds paid after the checks were delivered to plaintiff.

The motion for stay is DENIED as moot.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 26 2010

Date

Sandra Schultz Mengel
Chief Clerk